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Division of Oil, Gas, and Geothermal Resources
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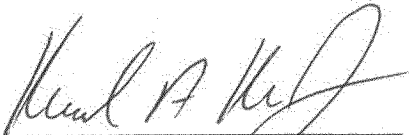
NOTICE TO OPERATORS

Aquifer Exemption Compliance Deadlines

In accordance with directives from the US Environmental Protection Agency (US EPA), in October 2015 the Division of Oil, Gas, and Geothermal Resources (Division) established regulatory deadlines for ceasing injection in aquifers that qualify as a USDW under the US Safe Drinking Water Act and that have not had an aquifer exemption approved by US EPA, regardless of prior approval from the Division. (Cal. Code Regs., tit. 14, § 1779.1.) Under these regulations, all injection into non-exempt USDW must end by February 15, 2017, and all injection into non-exempt, non-hydrocarbon bearing zones with groundwater that has less than 3,000 mg/L total dissolved solids was required to stop on October 15, 2015. In addition, injection in to eleven specified aquifers must stop on December 31, 2016, unless and until US EPA determines that the aquifer meets the criteria for aquifer exemption. Although injection may resume when and if an aquifer exemption is approved by US EPA, US EPA must approve an aquifer exemption prior to the regulatory deadline in order to avoid disruption of operations. If the aquifer exemption is not approved by the deadline, then injection must cease even if a proposed aquifer exemption is under review.

If you are seeking to have a new or expanded aquifer exemption approved prior to February 15, 2017, then it is critical that you provide the Division with all data needed to support the aquifer exemption as soon as possible. The process for determining whether an aquifer exemption proposal will be moved forward to the US EPA is rigorous, involving evaluation of supporting data by the Division, the State Water Resources Control, the appropriate Regional Water Quality Control Board, and local water districts, followed by public notice and time for public comment on the proposal. Once the determination is finally made to submit an aquifer exemption proposal to US EPA, it will also take some time for US EPA to evaluate the proposal. The sooner that this process is initiated, the better chance there is that it will be completed by February 15, 2017. **If the Division does not have complete data in support of an exemption proposal by August 15, 2016, then it is unlikely that the aquifer exemption would be approved by US EPA before February 15, 2017.**

If you have questions about how to prepare data in support of an aquifer exemption or about whether your injection operations are affected by the regulatory deadlines, please contact the appropriate District Deputy for the area under consideration.


Kenneth A. Harris Jr.
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